

IN RE: AREDIA® AND ZOMETA®
PRODUCTS LIABILITY LITIGATION
(MDL No. 1760)

No. 3:06-MD-1760

JUDGE CAMPBELL

MAGISTRATE JUDGE BROWN

This Document Relates To:

Case Nos: 3:05-CV-00718; 3:05-CV-00719;
3:05-CV-00716; 3:06-CV-00506, 3:06-CV-00495;
3:06-CV-00551; 3:06-CV-00618; 3:06-CV-00499;
3:06-CV-00386; 3:06-CV-00385; 3:06-CV-00511;
3:06-CV-00374; 3:06-CV-00376; 3:06-CV-00384;
3:06-CV-00523; 3:06-CV-00391; 3:06-CV-00550;
3:06-CV-00379; 3:06-CV-00375; 3:06-CV-00507;
3:06-CV-00522; 3:06-CV-00514; 3:06-CV-00518;
3:06-CV-00370; 3:06-CV-00392; 3:06-CV-00382;
3:06-CV-00368; 3:06-CV-00393; 3:06-CV-00553;
3:06-CV-00509; 3:06-CV-00521; 3:06-CV-00823;
3:06-CV-00496; 3:06-CV-00372; 3:06-CV-00510;
3:06-CV-00510; 3:06-CV-00512; 3:06-CV-00373;
3:06-CV-00503; 3:06-CV-00497; 3:06-CV-00504;
3:06-CV-00387; 3:06-CV-00526; 3:06-CV-00554;
3:06-CV-00517; 3:06-CV-00378; 3:06-CV-00394;
3:06-CV-00383; 3:06-CV-00377; 3:06-CV-00513;
3:06-CV-00693; 3:06-CV-00371; 3:06-CV-00525;
3:06-CV-00390; 3:06-CV-00381; 3:06-CV-00505;
3:06-CV-00501; 3:06-CV-00516; 3:06-CV-00508;
3:06-CV-00388; 3:06-CV-00389; 3:06-CV-00500;
3:06-CV-00527; 3:06-CV-00554; 3:06-CV-00502;

This Court has already found that “[e]x parte communications with Plaintiffs’ treating physicians may expedite the discovery process and reduce expenses in this litigation,” Case Management Order (“CMO”), Docket #89 at 35, ¶ XI.C, and allowed such contacts with respect to two putative class representatives. *See* 5/10/2007 *In re Aredia Ex Parte* Order [Docket No. 421] (“ . . . Novartis should be entitled to contact various medical providers . . .”). The ability to

conduct *ex parte* contacts will assist Novartis Pharmaceuticals Corporation (“NPC”) in avoiding unnecessary depositions and in identifying which treating physicians must be formally deposed, thus increasing efficiency in the discovery process and increasing the possibility that NPC will have a full and fair opportunity to defend this case. Efficient discovery is particularly important in light of the dozens of physicians expected to be involved with most plaintiffs’ claims.

NPC therefore requests that the Court order certain Wave 1 plaintiffs to sign releases permitting NPC to conduct *ex parte* interviews with their treating physicians – consistent with the releases authorized by the Court’s prior order specific to *ex parte* contacts with the treating physicians of then-putative class representatives Sybila Duncan and Carrie Lee, *see* Docket No. 421. The grounds for NPC’s motion are more fully set forth in the accompanying Novartis Pharmaceuticals Corporation’s Memorandum in Support of Motion for *Ex Parte* Contacts with Certain Plaintiffs’ Treating Physicians.

Respectfully submitted,

November 12, 2007

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CERTIFICATE OF SERVICE

I hereby certify that I have on this 12th day of November 2007 served a true and correct copy of the foregoing Novartis Pharmaceuticals Corporation's Motion for *Ex Parte* Contacts with Certain Plaintiffs' Treating Physicians, by operation of the Court's Electronic Case Filing System, on Plaintiffs' Liaison Counsel:

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